

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**SUZANNE DEGNEN, D.M.D., P.C.)
d/b/a SUNSET TOWER FAMILY)
DENTISTRY)
Plaintiffs,) Case No.: 4:15-cv-528
)
vs.) JURY TRIAL DEMANDED
)
**PRACTICE RECRUITERS, LLC)
f/k/a PRACTICE RECRUITERS, INC.,)
MATTHEW TODD LOWNEY,)
DAVID TROTT, and JOHN DOES 1-10.)
Defendant.)****

NOTICE OF REMOVAL

COMES NOW Defendants Practice Recruiters, LLC f/k/a Practice Recruiters, Inc. and Matthew Todd Lowney, by and through their undersigned Counsel, and pursuant to 28 U.S.C. §§1441 and 1446, hereby gives Notice of Removal of this action brought by Suzanne Degnen, D.M.D., P.C. d/b/a Sunset Tower Family Dentistry against Practice Recruiters, LLC, Matthew Todd Lowney, David Trott, and John Does 1-10 from the CIRCUIT COURT OF ST. LOUIS COUNTY, Missouri, to the United States District court for the Eastern District of Missouri, Eastern Division.

The ground for removal is that this claim is within the original jurisdiction of “the district courts of the United States” and is therefore properly removable pursuant to 28 U.S.C. §1441(a). In support of this Notice and as grounds for removal, Defendants Practice Recruiters, LLC and Lowney respectfully state as follows:

1. On or about February 13, 2015, Plaintiff commenced the above-titled civil action in the 21st Judicial Circuit Court, St. Louis County, Missouri, by filing a Class Action Complaint in CIVIL ACTION No. 15SL-CC00544 (“COMPLAINT”).

2. Defendant Practice Recruiters, LLC's Registered Agent and Matthew Todd Lowney were served with the COMPLAINT on February 23, 2015. A true and correct copy of the COMPLAINT is attached hereto as Exhibit 1. Practice Recruiters, LLC and Matthew Todd Lowney have no notice of service of the COMPLAINT upon the other named defendant, David Trott, and "John Does" have not been identified.

3. As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. §1441(a) and §1446, because this is an action involving a claim under Federal law that is within the original jurisdiction of the district courts of the United States. Accordingly, these defendants have satisfied the procedural requirements for removal and this Court has subject matter jurisdiction over this action.

I. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

4. This NOTICE OF REMOVAL is filed within thirty (30) days of receipt of the initial pleading in CIVIL ACTION No. 15SL-CC00544 by Practice Recruiters, LLC and Matthew Todd Lowney, and thus complies with the requirements of 28 U.S.C. 1446(b). Practice Recruiters, LLC and Matthew Todd Lowney have no notice of service of the COMPLAINT upon the other named defendant, David Trott, and "John Does" have not been identified.

5. No proceedings have occurred in CIVIL ACTION No. 15SL-CC00544 in the 21st Judicial Circuit Court of St. Louis County, Missouri, as of the date of the filing this Notice of Removal. Defendants have not filed responsive pleadings to the COMPLAINT.

6. Removal to this Court is proper because the COMPLAINT in CIVIL ACTION No. 15SL-CC00544 was filed in the 21st Judicial Circuit Court of St. Louis County, Missouri, which is located within the Eastern Division of the United States District Court for the Eastern District of Missouri.

7. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the complete record in the 21st Judicial Circuit Court of St. Louis County, Missouri, including all process, pleadings, and orders served upon Defendants, in CIVIL ACTION No. 15SL-CC00544 is attached as Exhibit 2 to this NOTICE OF REMOVAL.

8. Pursuant to 28 U.S.C. § 1446(d), these defendants shall promptly give written notice of the filing of this NOTICE OF REMOVAL in CIVIL ACTION No. 15SL-CC00544 to all adverse parties and shall file a copy of the notice with the Clerk of the 21st Judicial Circuit Court of St. Louis County, Missouri.

II. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER JURISDICTION

9. The COMPLAINT in this case contains a class action claim for damages under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA"). Such claims are within the original jurisdiction of the district courts of the United States under 28 U.S.C. § 1331. See *Mims v. Arrow Financial Services, LLC* 132 S.Ct. 740 (2012)(holding that TCPA claim arises under the laws of the United States).

10. Under 28 U.S.C. 1441(a), any action brought in a "State court of which the district courts of the United States have original jurisdiction may be removed" to the district court of the United States for the "district and division embracing the place where such action is pending."

11. The 21st Judicial Circuit Court of St. Louis County, Missouri, where the Complaint was filed, is within the Eastern Division of the United States District Court for the Eastern District of Missouri. Accordingly, removal to this Court and this Division is proper.

12. The filing of this NOTICE OF REMOVAL does not waive any defenses including but not limited to lack of personal or subject matter jurisdiction, improper venue or forum, and any defenses whether legal or equitable under State or Federal law.

WHEREFORE, Defendants Practice Recruiters, LLC and Matthew Todd Lowney respectfully request that CIVIL ACTION No. 15SL-CC00544 pending against them in the 21st Judicial Circuit Court of St. Louis County, Missouri, be removed therefrom to the United States District Court for the Eastern District of Missouri, Eastern Division.

Dated: March 25, 2015.

RESPECTFULLY SUBMITTED,
/s/ Karen L. Mayfield-Jones
Karen L. Mayfield-Jones Bar No.: 57813MO
Ronald D. Robinson Bar No.: 42259MO
Brian R. Shank Bar No.: 59955MO
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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2015, I electronically filed this pleading with the Clerk of Court using the CM/ECF system, which will send notification of such filing(s) to the Attorney for Plaintiff, and also sent same by postpaid mail to:

Ronald Eisenberg and Robert Schultz, Attorneys for Plaintiff
640 Cepi Drive, Suite A
Chesterfield, Missouri 63005

David Trott
7228 Sorrento Road
Knoxville, TN 37918

/s/ Karen L. Mayfield-Jones